

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

In re Appeal in:)	
)	
TONIA LYNN LOWERY,)	
)	
Debtor)	
_____)	
)	
WE THE PEOPLE FORMS AND SERVICE)	Bankruptcy Case No.
CENTERS USA, INC., CHARLIE ANDERSON)	04-83012 C-7D
CLARENCE D. SMITH, JR., MARILYN L.)	
JONES,)	
)	
Appellants,)	
)	
v.)	
)	U.S. District Court Case No.
U.S. BANKRUPTCY ADMINISTRATOR)	1:06-CV-556
MICHAEL D. WEST, AND ATTORNEY)	
GENERAL FOR THE STATE OF)	
NORTH CAROLINA, ROY D. COOPER,)	
)	
Appellees.)	

MEMORANDUM ORDER

TILLEY, District Judge

This matter is before the Court on motion of Appellees U.S. Bankruptcy Administrator Michael D. West and Attorney General for the State of North Carolina, Roy D. Cooper (collectively "Appellees") seeking dismissal of a bankruptcy appeal filed by appellants We The People Forms and Service Centers USA, Inc., Charlie Anderson, Clarence D. Smith, Jr., and Marilyn L. Jones (collectively "Appellants"). Appellees assert that the appeal should be dismissed for failure to prosecute because Appellants have neither filed a brief in support of

their appeal within the time proscribed by Bankruptcy Rule 8009(a)(1) nor sought an extension of time within which to file a brief.

On July 11, 2007, the Court entered an Order discussing the standard for dismissal under Bankruptcy Rule 8001(a) (the "July 11 Order"). The July 11 Order provided Appellants notice that their appeal was subject to dismissal and afforded them the opportunity to explain their delay in prosecuting the appeal. Appellants have not responded to the July 11 Order in this matter. However, On August 13, 2007, counsel for Appellants notified the Court in writing that they did not oppose the motion for dismissal in a related matter, 1:06-CV-557. [Doc. # 12].

For the reasons set forth in the July 11 Order and particularly in light of the fact that Appellants have not responded to the July 11 Order and do not oppose dismissal of the appeal of a related case, Appellees' Motion to Dismiss [Doc. # 9] is GRANTED, and this Matter is DISMISSED.

This the 17 day of September, 2007.

/s/ N. Carlton Tilley, Jr.
United States District Judge

